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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,311	11/14/2003	Joseph Anscher	ANSCHER - 38	1231
25889	7590	10/04/2004	EXAMINER	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			SAKRAN, VICTOR N	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,311

Applicant(s)

ANSCHER, JOSEPH

Examiner

VICTOR N SAKRAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, and 5-9, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kiernan U. S. Patent No. 5,541,579 in view of Lundstedt U. S. Patent No. 5,926,928.

Kiernan discloses the general combination claimed of a belt buckle device assembly comprising a male a male member, a female member (14) having a top

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wall, a bottom wall and a cavity for receiving said male member, wherein the male member is adapted to snap into the cavity of said female member to lock the male member and the female member of said buckle together, said female member having at least part of its top wall provided with a grill (screen) (40), wherein each of said male and female members is further provided with an attachment bar for receiving a belt (12); see Figures 2, 3; column 4, lines 10-20; column 5, lines 5-11, and claim 1, except that the reference to Kiernan is silent about the type of material used to form the female member and the screen (grill) (40) of its buckle and the use of ribs on the top and bottom walls of its female member as a guide means for the connecting the male and the female members of its buckle assembly. Lundstedt teaches the use of a buckle comprising a male member and a female member (30), wherein said female member is provided with opening portions (34a, 36a, 38a) on both the top and the bottom faces thereof including two ribs (62) disposed on the underside of each of its top and bottom faces walls, and said female member, the openings and ribs are all integrally molded of the same material; see Figures 1-3; the abstract; column 1, lines 63-65; column 2, lines 63-67; column 3, lines 6-10, 59-67; column 4, lines 1-4, 56-65, and column 5, lines 47-53.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide both top and bottom walls of the female member (14) in Kiernan with screen instead of only its top wall including two ribs defining guiding means to be disposed on the underside of each of the top and bottom

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walls and to be extending across the screen in the manner taught, disclosed and suggested by Lundstedt and/or vice versa by merely providing the top and bottom faces of the female member (30) in Lundstedt with a screen by merely substituting a screen for the opening portions (34a, 36a, 38a) in the manner taught, disclosed and suggested by Kiernan, especially, since such modification involves only routine skill in the art.

Furthermore, Applicant is reminded that in considering the disclosure of a reference, it is proper to take into account not only specific teaching of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom; see *In re Preda*, 401 F2d 825, 826, 159 USPQ 342,344 (CCPA1968).

As to the particular type of material used is considered to be no more than an obvious matter of design choice within the skill in the art, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. See *In Re Leshin*, 125 USPQ 416.

Claim 4, is rejected under 35 U.S.C. 103(a) as being unpatentable over the same references as applied to claim1, above, and further in view of Baker U. S. Patent No. 3,797,693 who discloses a screening assembly (12) which is secured by a surrounding rib (14) having a thickness greater than the thickness of the face containing the screen, wherein said screening assembly (12) defining first

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and second layers which are formed of the same material; see Figures 3, 7; and column 2, lines 24-30, and to further incorporate such structure in Kiernan Or Lundstedt by merely providing its screen with a surrounding rib in the manner taught, disclosed and suggested by Baker it would have been obvious to one having ordinary skill in the art at the time the invention was made, especially, since the use of a rib surrounding a screen or the like is conventional and well known within the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant's attention is directed to the prior art cited herein, as showing structure related to Applicant's disclosed invention.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to VICTOR N SAKRAN whose telephone number is 703-308-2224. The examiner can normally be reached on 6:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. swann can be reached on 703-308-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 28, 2004


VICTOR N SAKRAN
Primary Examiner
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